

CHAPTER SIX

THE CONSTITUTION AND THE NEW REPUBLIC

Objectives

A thorough study of Chapter Six should enable the student to understand:

1. The groups that advocated a stronger national government and how they, probably a minority, were able to achieve their objective.
2. The origin of the Constitutional Convention, who the delegates were, how well they represented the people, and how they were able to achieve a consensus.
3. The historical debate concerning the motives of the delegates to the Constitutional Convention.
4. Federalism and how the Constitution is designed to make it work.
5. The importance of The Federal Papers in the ratification struggle, and their significance in the years since.
6. The effectiveness of George Washington's solutions to the problems of the presidency, and how Washington, as its first occupant, affected the office and the nation.
7. The financial program of Alexander Hamilton, and its contribution to the success of the new government.
8. The ways in which the weak new nation coped with international problems, and the importance of such events as Washington's decision for neutrality and the "quasi-war" with France.
9. The emergence of political parties, their political philosophies, and their influence through the election of 1800.

Main Themes

1. How and why the Constitution replaced the Articles of Confederation.
2. How differing views of what the nation should become led to the rise of America's first political parties.
3. The way in which the new United States was able to establish itself as a nation in the eyes of foreign powers and of its own people.
4. The rise and fall of the Federalist Party.

Glossary

1. national bank: A private (as opposed to government) institution into which government revenue is deposited. This bank issues currency, grants loans, and generally encourages commercial activity while stabilizing the economy.
2. tariff: A tax on goods imported or exported by a country; in the United States, a tax on imported goods.
3. protective tariff: A tax on goods that are brought into the country and compete with that country's own products. It is designed to drive up the cost of foreign goods and protect native manufacturers from disruptive competition.
4. federalism: A system of government in which powers are divided between a central government and local governments, giving each authority in its own sphere. The extent of and the limitations on this authority are defined in a constitution, which in the United States, also reserves certain powers to the people. It was such a system that many argued existed under the British Empire,

whereas others insisted that a true "federal" system existed under the Articles. This latter group further argued that the Constitution of 1787 put too much power in the hands of the central government and hence created a national rather than a federal government.

5. implied powers: Powers that are not clearly defined in the Constitution, but, by implication, are granted to the government. Those who believe in the existence of such powers favor a "loose" interpretation of the Constitution, whereas those who hold that the Constitution authorizes nothing that is not spelled out specifically follow a "strict" interpretation.
6. implied powers doctrine: The idea put forth by Hamilton in his argument in favor of the Bank, which held that the government has powers other than those enumerated in the Constitution. These "implied powers" rise from the government's right to select the means to exercise the powers given it and from the "necessary and proper" clause of the Constitution. Later this was stated even more directly by Chief Justice John Marshall: "Let the end . . . be within the scope of the constitution and all means which [are] appropriate . . . which are not prohibited . . . are constitutional."
7. national system: A system of government (as opposed to a federal system) in which the central government is supreme and the local units (states) surrender most of their sovereignty to it.
8. separation of powers: The division of governmental power among the various branches (legislative, executive, judicial) to prevent one branch from dominating the government.

Pertinent Questions

FRAMING A NEW GOVERNMENT (160-168)

1. Who were the advocates of centralization, and why did they want to alter or abolish the Articles of Confederation?
2. What did those who favored centralization see as the most serious problem of the Articles, and how would they have changed them? What had prevented any changes?
3. What were the characteristics of the men who met at the Constitutional Convention in Philadelphia? Whose presence was essential to the meeting's success? Why?
4. What were the two major points of view that divided the convention? What plans did each side propose to carry its view?
5. How were the differences between the "large-state" and the "small-state" plans resolved? What other issues divided the convention, and how were they resolved?
6. What was to be the role of the various branches of government under the new Constitution?
7. Why did the supporters of the new Constitution call themselves "Federalists"? Were they actually Federalists, or did their philosophy of government reveal them to be something else? If so, what?
8. What methods did the Federalists employ to get their views across to the people? What were their arguments, and how did the "Antifederalists" respond?
9. What was the process by which the Constitution was finally ratified? Which states supported it, by what margins, and which states did not? What objections were raised by the states?
10. What was the process by which the new government set up operations? What were the initial matters discussed, and how were they resolved?
11. In what way did Congress continue the work of the Constitutional Convention? What "gaps" in the Constitution did Congress fill?
12. Who were the men Washington selected for his cabinet, and why did he pick these men?

FEDERALISTS AND REPUBLICANS (168-171)

13. How did the divisions of the 1790s reflect the differences in philosophy that were at the heart of debate over the Constitution?
14. What was the view of society and politics held by Hamilton? Who did he feel should govern, and why? Which country's political system did Hamilton most admire?
15. What was Hamilton's plan for paying the nation's debts and restoring credit on a sound basis? To which social-economic-political group would this have appealed?
16. How did Hamilton propose to enact his programs? Who opposed him, and to what degree was he successful?
17. How did political parties rise as a result of Hamilton's programs?
18. What was the political philosophy of Jefferson and Madison? How did it differ from that of Hamilton?
19. How did the French Revolution highlight the differences between the Federalists and the Republicans?

ESTABLISHING NATIONAL SOVEREIGNTY (171-174)

20. How did Washington's reaction to the Whiskey Rebellion underscore the difference between the Constitution and the Articles of Confederation?
21. How did the government under the Constitution guarantee that people on the frontier would be loyal to it? What was the impact on Native Americans?
22. What diplomatic problem did the French Revolution and the war that followed pose for the United States? How did Washington and Congress deal with this problem?
23. What was the French reaction to the policy in question 22, and what resulted from this?
24. What were the circumstances that sent John Jay to England, and what were the results of his mission?
25. How did Jay's Treaty affect American relations with Spain?

THE DOWNFALL OF THE FEDERALISTS (174-178)

26. Why was John Adams selected as the Federalist candidate in 1796?
27. What circumstances led to an administration with a Federalist president and a Republican vice president?
28. What caused the "quasi war" with France during the Adams administration? What was the result of this struggle?
29. How did the Federalists attempt to silence those who opposed the undeclared war, and what groups did these attempts most affect?
30. What gave rise to the Virginia and Kentucky Resolutions, and what attitude toward the nature of the federal government did these resolutions reveal?
31. What were the issues in the election of 1800, and what strategy did each party employ to get elected?
32. What was the outcome of the election of 1800, and what were the reactions of the losers and the victors?

WHERE HISTORIANS DISAGREE (164-165)

33. Explain the ongoing debate between historians over the motives of the men who framed the American Constitution.
34. How has the debate over the origins of the Constitution mirrored the debate over the causes of the American Revolution?

Identification

Identify each of the following, and explain why it is important within the context of the chapter.

1. Society of the Cincinnati
2. the "Indian menace"
3. Annapolis Conference
4. Virginia Plan
5. New Jersey Plan
6. "Great Compromise"
7. three-fifths formula
8. Antifederalists
9. The Federalist Papers
10. Bill of Rights
11. Tenth Amendment
12. Judiciary Act of 1789
13. Assumption Bill
14. Hamilton's "Report on Manufacturers"
15. Hamilton's bank bill
16. Whiskey Rebellion
17. a "nation within a nation"
18. Citizen Genet
19. Jay's Treaty
20. Pinckney's Treaty
21. Washington's "Farewell Address"
22. XYZ Affair
23. Alien and Sedition Acts
24. Virginia and Kentucky Resolutions
25. Aaron Burr
26. Judiciary Act of 1801
27. "midnight appointments"

Document 1

The series of essays known as The Federalist Papers was published anonymously, over the pen name Publius. In fact, they were the work of three men: Alexander Hamilton, James Madison, and John Jay. The Federalist No. 1, written by Hamilton, summarizes the purposes of the papers to come. How does this excerpt reflect not only what the Federalists wanted to promote, but also how they wanted to head off objections to the Constitution that were already beginning to surface? From your readings in the text, what were these objections?

After an unequivocal experience of the inefficacy of the subsisting federal government, you are called upon to deliberate on a new Constitution for the United States of America. The subject speaks its own importance; comprehending in its consequences nothing less than the existence of the UNION, the safety and welfare of the parts of which it is composed, the fate of an empire in many respects the most interesting in the world. It has been frequently remarked that it seems to have been reserved to the people of this country, by their conduct and example, to decide the important question, whether societies of men are really capable or not of establishing good government from reflection and choice, or whether they are forever destined to depend for their political constitutions on accident and force. If there be any truth in the remark, the crisis at which we are arrived may with propriety be regarded as the era in which that decision is to be made; and a wrong election of the part we shall act may, in this view, deserve to be considered as the general misfortune of mankind. . . .

I propose, in a series of papers, to discuss the following interesting particulars:--The utility of the UNION to your political prosperity--The insufficiency of the present Confederation to preserve that Union--The necessity of a government at least equally energetic with the one proposed, to the attainment of this object--The conformity of the proposed Constitution to the true principles of republican government--Its analogy to your own State constitution--and lastly, The additional security which its adoption will afford to the preservation of that species of government, to liberty, and to property.

In the progress of this discussion I shall endeavor to give a satisfactory answer to all the objections which shall have made their appearance, that may seem to have any claim to your attention. . . .

PUBLIUS

Document 2

The document to be studied is the Constitution of the United States and its first twelve amendments. First, read the Constitution in the Appendices to your text; then, consider the following.

1. How does the organization and election of the House and the Senate reflect attitudes that existed in 1787? Why is impeachment held in the House and the trial in the Senate? What does this tell you about the Founding Fathers' attitude toward "popular" government?
2. Why are all revenue bills required to originate in the House of Representatives?
3. Examine the powers given Congress in Article I, Section 8. How does this section make the Constitution different from the Articles?
4. Outline how the president was elected before the ratification of the Twelfth Amendment. What role did the popular vote play in this process? Why was it designed this way?
5. List the specific powers given the president, and be prepared to follow the evolution of these powers.

MULTIPLE-CHOICE QUESTIONS

Circle the letter of the response which best answers the question or completes the statement.

1. By 1786, even defenders of the Articles of Confederation accepted the fact that which of the following needed to be strengthened?
 - a. The power to tax.
 - b. The executive.
 - c. The court system.
 - d. The army.
2. By the mid-1780s, advocates of a stronger central government included:
 - a. military veterans disgruntled by the refusal of Congress to fund their pensions.
 - b. American manufacturers upset with the imposition of high national tariffs.
 - c. creditors who demanded an inflation of the nation's money supply.
 - d. investors who wanted Confederation debts repudiated.
3. Which of the following was not a characteristic of the men who attended the Constitutional Convention in 1787?
 - a. They represented the great property interests.
 - b. They were relatively young.
 - c. They believed in democracy.
 - d. They were well educated.
4. The most significant division in the Constitutional Convention was between:
 - a. slave and free states.
 - b. large and small states.
 - c. eastern and western interests.
 - d. agricultural and manufacturing interests.
5. James Madison's Virginia Plan proposed:
 - a. revision and strengthening of the Articles of Confederation.
 - b. larger influence within a new national government for the richer and more populous states.
 - c. a unicameral national legislature with equal representation for the states.
 - d. a bicameral national legislature with state representatives in both houses chosen by popular vote.
6. The most important issue left unaddressed when the Constitutional Convention adjourned was:
 - a. the question of counting slaves for representation.
 - b. whether to have an executive or not.
 - c. the absence of a list of individual rights.
 - d. the question of the power of the national government to tax.
7. The Constitution's most distinctive feature was its:
 - a. "separation of powers" with "checks and balances."
 - b. system for the direct election of the executive.
 - c. lack of a national judicial system.
 - d. single house legislature.

8. Which of the following was not addressed by the first Congress under the new Constitution?
- A Bill of Rights.
 - A federal court system.
 - An executive department.
 - The role of political parties in the election of a president.
9. To prevent an "excess of democracy" and the tyranny of mob rule, the Constitution restricted direct popular election to:
- the president.
 - federal judges.
 - senators.
 - representatives.
10. Which of the following was not a belief of Alexander Hamilton?
- The best leaders are those democratically elected.
 - A stable and effective government required an elite ruling class.
 - The new government needed the support of the wealthy and powerful.
 - A permanent national debt was desirable.
11. Small farmers, who comprised the majority of the population, opposed Hamilton's plan on the grounds that it:
- taxed them excessively.
 - avored a small, wealthy elite.
 - created too many government offices.
 - put power in the hands of slaveholders.
 - achieved both a. and b.
 - achieved both c. and d.
12. President Washington helped stabilize the western frontier by:
- putting down the Whiskey Rebellion.
 - allowing existing states to incorporate additional land claims.
 - refusing to bargain with Indian resistance leaders.
 - relieving General "Mad Anthony" Wayne of his command.
13. Jefferson and his followers believed the Federalists were creating a political party because they were:
- using their offices to reward supporters and win allies.
 - forming local associations to strengthen their stand in local communities.
 - working to establish a national network of influence.
 - doing all of the above.
14. Which of the following was not a belief held by Jefferson and his followers?
- The ordinary farmer-citizen could, if properly educated, be trusted to govern through elected representatives.
 - Urban people posed a danger to a republic, because they could easily become a lawless mob.
 - The best citizen was one who tilled his own soil.
 - Commercial activity was a danger to the republic.

15. Under the Constitution, the status of the western Indian tribes was:
- a. not clearly defined.
 - b. that of independent nations.
 - c. that of conquered nations.
 - d. the same as states.
16. Although the treaty between England and the United States that John Jay negotiated in 1794 fell short of his instructions, it did:
- a. little to improve commercial relations with England.
 - b. give America undisputed sovereignty over the entire Northwest.
 - c. end the impressment of American soldiers.
 - d. indicate that the United States and France were not going to war.
17. In the election of 1796:
- a. Thomas Jefferson was the choice of southern Federalists.
 - b. the Federalist Party united behind Adams.
 - c. George Washington took an active role.
 - d. the Federalist Party divided when southern Federalists refused to support Adams.
18. Republicans pinned their hopes for a reversal of the Alien and Sedition Acts on the:
- a. Supreme Court.
 - b. state legislatures.
 - c. House of Representatives.
 - d. Army of the United States.
19. Which of the following is not true of the campaign and election of 1800?
- a. It was probably the ugliest in American history.
 - b. Parties and party organization played an important role.
 - c. It underscored problems in the method of electing a president.
 - d. It resulted in a clear victory for the winning candidate.
20. The Federalists made a last gasp attempt to maintain power by:
- a. repealing the Alien and Sedition Acts.
 - b. supporting Aaron Burr for President.
 - c. creating new federal courts and judges.
 - d. plotting a revolution to prevent the election of Jefferson.

TRUE-FALSE QUESTIONS

Read each statement carefully. Mark true statements "T" and false statements "F."

- 1. The adoption of the Constitution completed the creation of the republic.
- 2. The most resourceful advocate of a centralized government was Alexander Hamilton.
- 3. The intellectual leader of the Constitutional Convention was James Madison.
- 4. The "Great Compromise" was important because it solved the problem of representation.
- 5. The Constitution did not resolve the question of which law—state or national—would be the supreme law of the land.

6. Abiding by the rules set up under the Articles of Confederation, the Constitution could not go into effect until it was ratified by all the states in the union.
7. The Constitution was attacked because it did not contain a list of individual rights protected under the national government.
8. The essays, known collectively as The Federalist Papers, called for the ratification of the Constitution.
9. The Constitution had little chance of success unless it was ratified by Virginia and New York.
10. Supporters of the Constitution had the advantage of being better organized than their opponents.
11. After the Constitution was ratified, Americans agreed that the government should strive to create a highly commercial, urban nation.
12. The Federalist vision for America included government by a wealthy, enlightened ruling class.
13. Virginia agreed to support Hamilton's assumption bill in return for locating the national capital in the South.
14. Most of the framers of the Constitution believed organized political parties were evil and should be avoided.
15. The "Republican Party" that opposed the Federalists is the same Republican Party that exists today.
16. The national government's response to the Whiskey Rebellion was to win allegiance through intimidation.
17. In 1796, Thomas Jefferson ran for vice-president on the Federalist ticket.
18. President Washington welcomed Citizen Genet to America in hopes of an alliance with France.
19. Aaron Burr's role in the election of 1800 was not very significant.
20. After the election of 1800, Federalists tried to hold on to power through the federal judiciary.